

1 45. **ISSUE: REPORTEDLY, DETECTIVE CAPTAIN STEVE CLIFTON WAS**  
2 **INVOLVED IN DOMESTIC ASSAULT IN PEORIA AND LIED ABOUT IT, BUT**  
3 **HENDERSHOTT ORDERED THAT NO INTERNAL INVESTIGATION BE**  
4 **CONDUCTED – SUBJECT: HENDERSHOTT**

5  
6 **Chief Deputy David Hendershott**

7  
8 H40A. Allegedly, Detention Captain Steve Clifton was alleged to have possibly  
9 committed assault in Peoria, which was investigated by the Peoria Police  
10 Department. Clifton called IA Captain Jim Miller, who informed Lt. Paul Ellis  
11 that Clifton had acknowledged a truthfulness violation. Miller informed Ellis  
12 that Chief Deputy David Hendershott had asked Miller to personally handle the  
13 IA investigation, and Miller asked Ellis to obtain a copy of the Peoria Police  
14 Department report. Ellis subsequently took the report to Chief Hendershott, and  
15 informed Hendershott that there were, in the opinion of Ellis, truthfulness issues  
16 on the part of Clifton. It would not appear that an Internal Investigation was  
17 conducted relating to the alleged assault by Clifton or violation of the  
18 truthfulness policy by Clifton.

19  
20 **DOCUMENTARY EVIDENCE**

21  
22 **Exhibit T1. City of Peoria PD DR# 01-09-008881 re: Tanya and Steven Clifton**

23  
24 This Peoria Police Department report relates to events of June 30, 2009, when the  
25 Peoria Police Department investigated MCSO Detention Captain Steve Clifton for  
26 domestic violence/criminal damage and disorderly contact. Essentially, according to the  
27 report, Clifton caused damage to the vehicle of his wife, Tanya Clifton, by means of  
28 throwing rocks at the vehicle while it was parked in the street. It was also reported that  
29 he sent Tanya Clifton offensive text messages on her cell phone, and also made  
30 abusive and insulting gestures toward her. Clifton was cited and released by the Peoria  
31 police officer in question. In the interview of Clifton by Peoria Police, he denied having  
32 thrown the rocks, even though his own son, [REDACTED] had seen him do so. He did  
33 acknowledge having made an obscene gesture to his ex-wife, Tanya, in the aftermath of  
34 the incident, and while the Peoria Officer was present, he observed Clifton make  
35 another obscene gesture to Tanya Clifton.

36  
37 **Exhibit Z15. MCSO Internal Affairs Investigation #IA10-0055 re: Steve Clifton**  
38 **(AI0009806-9851)**

39  
40 This Internal Affairs administrative investigation, IA No. 10-0055, was conducted by  
41 Sergeant Joseph LeGer of the Internal Affairs Division. The investigation started on  
42 May 4, 2010, and was completed on May 25, 2010. It was alleged that Detention  
43 Captain Steve Clifton, in the period from April 23 to May 3, 2010, had exchanged text  
44 messages with the wife of another Lieutenant, using Clifton's County issued cell phone.  
45 The text messages allegedly consisted of sexual innuendos and requests from Captain

1 Clifton for the wife of the Lieutenant to engage in sexual/romantic activity. Clifton's  
2 conduct was alleged to have been in violation of provisions relating to Unbecoming  
3 Conduct, Care and Use of Office/County Equipment, and Incompetence/Failure to Meet  
4 Standards.

5  
6 During the course of the IA investigation, Captain Clifton acknowledged that he sent  
7 text messages to the Lieutenant's wife that were perceived by her to be sexual in  
8 nature, and that he used his County issued cell phone to do so. Clifton stated that it  
9 was "just a game" to him, and he recognized the text messages were inappropriate and  
10 contained sexual innuendos. He acknowledged that his conduct did not reflect  
11 favorably upon the Sheriff's Office. He also admitted that his conduct with the wife  
12 placed the Lieutenant in an uncomfortable situation. Clifton's actions were found to  
13 have been in violation of policies relating to Code of Conduct, Unbecoming Conduct and  
14 Public Demeanor, and Incompetence and allegations relating to Code of Conduct, Care  
15 and Use of Office/County Equipment, were "not sustained." The preliminary findings  
16 were signed off by Terry Young on July 1, 2010, and the final findings by Chief Sheridan  
17 on December 13, 2010.

18  
19 **Exhibit Z16. MCSO Internal Affairs Investigation #IA10-0056 re: Steve Clifton**  
20 **(AI0009852-9869)**

21  
22 This IA administrative investigation, IA No. 10-0056, concerning the conduct of  
23 Detention Captain Steve Clifton, related to events that had occurred on June 30, 2009.  
24 The investigation started on May 5, 2010, and was completed by Sergeant William  
25 Mortensen and Sergeant Cory Morrison on June 15, 2010. The investigation was  
26 reviewed by Captain Ken Holmes on July 13, 2010, and by Deputy Chief Terry Young  
27 on August 13, 2010.

28  
29 The critical facts of the investigation were that on June 30, 2009, Clifton was involved in  
30 a domestic dispute with his ex-wife at his residence in Peoria. The ex-wife, Tanya  
31 Clifton, sent a text message to Captain Clifton saying that she was coming to pick up  
32 their 16 year old son. He responded with several offensive text messages advising that  
33 the son would not be leaving with her until she divulged her address. She arrived at  
34 Clifton's residence, at which time Clifton exited the house, picked up a handful of gravel,  
35 and threw it in the direction of her vehicle, striking the windshield.

36  
37 Tanya Clifton subsequently notified the Peoria Police Department, and officers then  
38 made contact with Captain Clifton. The son reported that his father had thrown rocks at  
39 his mother's car, and when asked about it Clifton denied having done so. Clifton was  
40 charged with Disorderly Conduct for flipping off Tanya in the presence of the Peoria  
41 Police Officer. Clifton pleaded guilty to Criminal Damage and was sentenced to pay  
42 restitution and attend anger management classes. During the IA interview, Clifton  
43 admitted to the incident and to violating MCSO policies relating to Conformance to  
44 Office Directives and Established Laws, and Unbecoming Conduct.

1 As to the Truthfulness issue, during the IA interview Clifton acknowledged that he  
2 "omitted information" when being questioned by the Peoria Police, and may have been  
3 in violation of the MCSO Truthfulness policy. On June 7, 2010, he was ordered to  
4 submit to a polygraph examination on June 8, and on June 7 notified Sergeant Morrison  
5 of Internal Affairs that he was going to be on FMLA until his next scheduled doctor's  
6 appointment. Clifton informed IA that per his doctor's orders, he was to remain off work  
7 until June 28, 2010. On June 15, 2010, IA received a memorandum from the Personnel  
8 Division, authored by Clifton on June 14, 2010, reflecting his intention to retire from  
9 MCSO effective June 28, 2010. The preliminary finding of "sustained" was signed off by  
10 Deputy Chief Terry Young on August 13, 2010, and the final finding of "sustained" was  
11 signed off by Chief Sheridan on December 13, 2010.

12  
13 **Exhibit DD14. 5/5/10 letter from Gerard A. Sheridan to Captain Steven Clifton**  
14 **placing him on administrative leave. MCSO reports that this is the first and only time**  
15 **that Clifton was placed on administrative leave.**

16  
17 **Exhibit DD15. 6/15/10 Designation Notice for FMLA to Steve Clifton from Margaret**  
18 **Brandimarte notifying him of leave request approval.**

19  
20 **Exhibit DD16. 6/14/10 memo from Captain Clifton to Personnel Division advising**  
21 **of his retirement effective 6/28/10.**

22  
23 **Exhibit DD17. 2/1/11 memo and attachments from Lt. Chuck Siemens to Captain**  
24 **Ken Holmes pertaining to information collected regarding Captain Steve Clifton.**

25  
26  
27 **WITNESS ACCOUNTS**

28  
29 **Paul Ellis**

30  
31 Lt. Ellis provided a copy of City of Peoria Police Department DR 01-09-008881 in  
32 reference to the victim, Tanya Leigh Clifton, and the suspect, Steven Michael Clifton.  
33 According to Ellis, Clifton had called Captain Miller, who was on vacation in Arkansas at  
34 the time, and told him Clifton may have committed a truthfulness violation relating to a  
35 domestic violence incident that led to his arrest. Subsequently, Captain Miller told Lt.  
36 Ellis that Hendershott had asked Miller to look into the incident personally. Miller  
37 directed Ellis to obtain a copy of the police report as discreetly as possible and to inform  
38 Hendershott and Miller as to the contents of the report. Ellis explained that the report  
39 accused Clifton of domestic violence and lying to the investigating officers. Ellis took  
40 the report to Chief Deputy Hendershott and left a message for Miller, which was not  
41 returned. Ellis surmised that Miller probably did not return his call because he had  
42 decided to retire and the issue may have no longer been important to him.

43  
44 When Ellis presented the actual police report to Hendershott, Hendershott held the  
45 report in his hand while Ellis explained the circumstances behind the report. Clifton was

1 accused of throwing gravel at his ex-wife's car and causing damage to the windshield.  
2 Clifton's 14-year-old son was interviewed separately by Peoria PD and said that he  
3 witnessed his father's actions. According to the report, Clifton said that he did know that  
4 the car was there and the Peoria PD Officers noted that Clifton was being untruthful.  
5 According to Ellis, he left the report with Hendershott and he did not receive any  
6 instruction from Hendershott as to how he shall proceed. Hendershott said to Ellis,  
7 without reading the report, "Clifton didn't know the car was there," which stymied Ellis,  
8 as Clifton's denial of his actions did not "make the incident go away." Ellis left  
9 Hendershott's office without a conclusion or direction from Hendershott. Ellis explained  
10 the way Internal Affairs worked at the time.

11  
12 A: ....Again, the cultural in Internal Affairs was that the Chief Deputy is the  
13 one that assigned investigations to Internal Affairs. We didn't proactively go out  
14 and, you know, leave a \$20 bill somewhere and watch to see if somebody picked  
15 it up, we didn't do integrity checks. We didn't do any investigations that were not  
16 assigned to us by the Chief Deputy.

17  
18 Q: Directly?

19  
20 A: Directly. There would be a memo, somewhere generated that said here's a  
21 problem, it would go up through the chain of command and at the bottom of the  
22 memo would be the Chief Deputy saying, I investigated, and then my case  
23 summary would start out with, on this date and time I received this memo that  
24 said this and the Chief Deputy's signature that said I investigated, and of course,  
25 that would be in a tab in my case. So, here I am giving the Chief Deputy this  
26 Criminal report, explaining to him that it might be, there is a truthfulness problem,  
27 and, you know, he looked for the weakness in what I was saying, which was, well,  
28 Clifton says he didn't even know the car was there, so therefore, that's the end of  
29 that. You know, he didn't say, don't investigate, he didn't give me instructions,  
30 because at that point, I didn't work directly for him, I worked for Miller.

31  
32 RE: Without his authorization an IA is not conducted?

33  
34 A: That's correct. I couldn't proceed, I couldn't assign that investigation or  
35 commence it. (p. 37, Exhibit III2)

36  
37 Lt. Ellis had no independent recollecting of discussing the Clifton matter with Captain  
38 Miller when he returned from vacation. He said that there was a "line of people" waiting  
39 to ask Miller questions upon his return and he did not want to wait in line. Shortly after  
40 Miller's return, Miller announced his retirement and Barry Roska was assigned as the IA  
41 Captain. Ellis presented the Clifton matter to Roska, who did not take action. Ellis later  
42 learned that Roska did not want to be assigned as the IA Captain and he was replaced  
43 by Ken Holmes after a few weeks.

44  
45 Once Ken Holmes took over, Ellis presented the matter to Holmes and again, there was

1 no action taken.

2  
3 A: One of the very first things I did was say, Ken, and provided him with a  
4 copy of this case, this is bugging me, you know, I mean, something needs to, to  
5 happen here, and Ken never said to me that he talked to the Chief Deputy, but, I  
6 remember that Ken did say, this is a public record, so, and he left it hanging there  
7 as if we're not hiding anything, anybody can get this case, ask for a copy of it, so  
8 it's not that we're hiding anything, we're not covering up anything. That's my  
9 paraphrasing. He said that this was a public record.

10  
11 Q: Did he come back to you later and say that or did he say that to you when  
12 you gave him the report and said this is bugging me?

13  
14 A: I think that was a follow-up. I gave him the report and then I think days or  
15 weeks later, I said, have you heard anything, what's up with that and that his  
16 comment was, you know, it's public record. I believe that's what it was.

17  
18 Q: So, this is a public record, that statement, give me what you understood or  
19 how you translated that, that rather factual statement that a police report is a  
20 public record. About what the department was going to do with the situation.

21  
22 A: My view was that we weren't going to do anything, that we weren't going  
23 to investigate it, administratively.

24  
25 Q: And did he, Ken Holmes, actually say that?

26  
27 A: I don't recall him actually saying that, I think that was the, the assumption.  
28 Now, I did confide in one of the other Investigators, Lieutenant Wilkins, who is a  
29 Detention Lieutenant, very, very confident, that – and of course, this Captain, this  
30 Clifton is a Detention Captain, and I think Wilkins told me that Clifton was  
31 testifying on behalf of Sheriff's Office at some capacity, which led me to think  
32 that that was the reason, we didn't want to muddy this guy's credibility if he was  
33 testifying for us for some suit or, you know, who knows. (p. 38, Exhibit II12)

34  
35 Lt. Ellis was not provided with any details about the case where Clifton was expected to  
36 testify. Ellis did not know if any IA or Divisional investigation into the matter against  
37 Clifton and he never addressed the situation with Hendershott.

38  
39 **Scott Freeman**

40  
41 Freeman had no recollection of having any conversations with Dave Hendershott  
42 relating to the incident of June 30, 2009 involving Steve Clifton, when he reportedly  
43 threw rocks at the windshield of his wife's vehicle; or of Clifton sending text messages to  
44 the spouse of another MCSO employee. Freeman indicated that he had no knowledge  
45 of Clifton engaging in some sort of activity "for the good of the department" that formed

1 a decision to not subject Clifton to an IA investigation, arising from the events of June  
2 30, 2009. Freeman indicated that he did have some discussions with MaryEllen  
3 Sheppard, a Chief over Detention, about what might constitute appropriate discipline for  
4 Clifton, apparently in the time frame that the IA investigations, on both the property  
5 damage to Clifton's wife's car (and an related truthfulness issue), and the inappropriate  
6 text messages, were conducted.

7  
8 **Ken Holmes**

9  
10 Holmes indicated that when returned to IA in September of 2009, this would have been  
11 several months after the date of the alleged improprieties by Clifton, which occurred on  
12 July 30, 2009. An investigation of Clifton's activities had not been started as of the fall  
13 of 2009. The recollection of Ken Holmes about what happened in the fall of 2009,  
14 relating to Clifton was as follows.

15  
16 A: I only know that for certain because the, the DR from Peoria, which  
17 related to the disorderly conduct, domestic violence case with Clifton, was given  
18 to me by Chief Young, it would have been in the fall of the year, it was very early  
19 on, maybe October, November. It was handed to me and I was told to just put it  
20 in the file and that we weren't going to do anything with it right now, and there  
21 may be some – we just weren't going to do anything with it right now. What I  
22 recall is the reason for that was that Clifton was somehow involved in something  
23 the Office was doing. I don't know what it was, but something that public, he  
24 was working on some project. And this would have been, I don't know, maybe an  
25 embarrassing thing to be investigating, I guess, for Clifton at the time when this  
26 was going on. So, but, this, this was a case that was basically placed on hold. (p.  
27 20, Exhibit II19b)

28  
29 Holmes had no specific information relating to the "project" that Clifton was purportedly  
30 doing for the Sheriff's Office. When we talked further, Holmes thought it may have had  
31 something to do with Clifton being a witness in some litigation, and the IA investigation  
32 was going to be on hold pending resolution of the litigation, which Holmes vaguely  
33 thought had something to do with the jail. Holmes could not provide any further  
34 information as to the nature of the "project" that Clifton had been working on.

35  
36 Holmes advised that he never spoke with Hendershott about Clifton until the issue  
37 surfaced about Clifton sending inappropriate text messages to the wife of another  
38 MCSO Lieutenant, last name [REDACTED] Holmes recalls that he and Chuck Siemens were  
39 called in to Hendershott's office (in April or May of 2010) and were assigned the  
40 investigation of Clifton's activities relating to the texting of Lieutenant [REDACTED] wife.  
41 According to what Holmes recalls, after or during this briefing, they were told at the  
42 same time to move on the investigation relating to Clifton's conduct in Peoria, which  
43 went back to 2009. Hendershott did not provide any insight or information as to why the  
44 investigation of Clifton's conduct in 2009 had been on hold for almost a year. Holmes  
45 even suggested the possibility that Holmes himself had brought it up with Hendershott

1 in the May 2010 meeting, advised Hendershott that he had the Peoria Police  
2 Department DR from the 2009 event, and Hendershott may have said something like,  
3 "Do that one as well." (p. 25, Exhibit II19b) Holmes believes that Jerry Sheridan may  
4 have been in Hendershott's office at the time, along with Chuck Siemens.

5  
6 According to Holmes, Sergeant Cory Morrison was the investigator of both IA cases  
7 relating to Clifton, and the allegations in both cases were sustained. With respect to the  
8 issue of truthfulness, Clifton was ordered to take a polygraph, and then he went out on  
9 FMLA for a brief medical leave, and then he retired, basically refusing to participate any  
10 further in the investigations. Had he not retired, Clifton would have been disciplined for  
11 insubordination.

12  
13 **Charles Siemens**

14  
15 Lt. Siemens, at our request, conducted research relating to investigations pertaining to a  
16 Detention Cpt. Steve Clifton. Siemens advised that on or about May 5, 2010, he and  
17 Cpt. Ken Holmes were called up to Chief Hendershott's office, and Hendershott  
18 assigned one investigation, IA no. 2010-055, which related to lewd text messages that  
19 Clifton had allegedly sent to the wife of MCSO Lt. Winks. At the same time, Holmes  
20 and Siemens were also instructed by Hendershott to investigate an incident that  
21 occurred on June 30, 2009, involving Clifton, of which it related to truthfulness. The  
22 incidents out of which the first IA arose, occurred on or about April 23, 2010, whereas  
23 the second IA case, which concerned an event that occurred in Peoria on June 30,  
24 2009, was found under IA no. 2010-056.

25  
26 In connection with the investigations, Clifton was placed on administrative leave on May  
27 5, 2010. In lieu of undergoing a polygraph, Clifton resigned on June 15, 2010, effective  
28 June 28, 2010.

29  
30 **Mary Ellen Sheppard**

31  
32 Director Mary Ellen Sheppard has served as the Deputy Chief over Custody Bureau  
33 Region 2 since approximately 2006. Sheppard advises that Detention Captain Steve  
34 Clifton served as the Detention Standards & Compliance Division Commander, which  
35 supervised the security side of detention healthcare. According to Chief Sheppard,  
36 circa 2009, MCSO filed an action against the County, alleging that Detention Healthcare  
37 should be under the authority of MCSO, not another County department. MCSO was  
38 represented by Ogletree Deakins in this litigation (which may be ongoing), and that  
39 Clifton was in communication with counsel for MCSO in connection with this lawsuit,  
40 given his position as the Detention Standards & Compliance Division Commander.

41  
42 Sheppard indicated that, around the time of the incident in Peoria in the summer of  
43 2009, Captain Clifton approached her and indicated that there had been an "incident,"  
44 the details of which he did not describe to Chief Sheppard, and furthermore stated that  
45 he had talked to Chief Hendershott about the incident. According to Chief Sheppard,

1 Clifton indicated that, per Chief Hendershott, the matter was confidential and he was not  
2 to discuss the "incident" with Sheppard or others. Sheppard took Clifton at his word,  
3 and did not attempt at that time to obtain further information from Clifton about the  
4 "incident," nor did she approach Chief Hendershott to obtain information about the  
5 incident or learn why the matter was confidential. Clifton was not placed on  
6 Administrative Leave in connection with this incident.

7  
8 Later, in May 2010, information surfaced that Clifton had allegedly been sending  
9 inappropriate text messages to the wife of an MCSO employee, and he was placed on  
10 Administrative Leave at that time, pending an IA investigation about what had occurred.  
11 At that time, Chief Sheppard was briefed about both the incident involving the  
12 inappropriate text messages, as well as the 2009 incident, at which point she learned of  
13 the encounter between Clifton and his ex-wife, the alleged misdemeanor criminal  
14 violations by Clifton, and the issue of Clifton's truthfulness. Ultimately, according to  
15 Chief Sheppard, Clifton was ordered to undergo a polygraph examination, and he  
16 elected to retire rather than undergo the examination. Chief Sheppard indicated that  
17 she spoke with Clifton, after the investigations surfaced, and he told her that he felt  
18 betrayed by Hendershott, because Hendershott, in 2009, had basically told Clifton "not  
19 to worry about" what had happened. Clifton assumed that the 2009 event was not  
20 going to be addressed in an investigation, and that he was not going to be disciplined  
21 for what had occurred.

22  
23 Chief Sheppard indicated that she was never told about the 2009 event involving Clifton  
24 until May 2010, when the inappropriate texting issue surfaced. She knew that there had  
25 been an "incident" involving Clifton's conduct that had occurred in 2009, but she was  
26 never provided with any information about it until May 2010, and she did not know that it  
27 involved a truthfulness issue. Sheppard denied knowing why no investigation was  
28 conducted concerning the 2009 event, even as of the time of the April 8, 2011 interview.  
29 She speculated that the inaction over the 2009 incident may have been prompted by  
30 Clifton's position as the Detention Standards & Compliance Division Commander, and  
31 his important role in the litigation between MCSO and the County over control of  
32 Detention Healthcare.

### 33 34 Terry Young

35  
36 Young indicated that in early May, 2010, an issue arose relating to Clifton sending  
37 inappropriate text messages to Lieutenant Winks' wife, and Hendershott gave approval  
38 for an IA investigation on that issue. At that time, IA knew about the events of June 30,  
39 2009 involving Clifton, and Hendershott told IA to go ahead and investigate that as well.  
40 Young suggested that it may have been Captain Holmes who reminded Terry, if not  
41 Hendershott, about the earlier incident involving Clifton that went back to June 30, 2009,  
42 when he threw rocks at his ex-wife's car.

43  
44 Young denies that he ever received any explanation from Hendershott as to why there  
45 was no IA or divisional investigation conducted of Clifton's conduct on the domestic



1 incident. When asked if Clifton, in that time frame, may have been engaged in some  
2 sort of "special project" for MCSO, Young indicated that he did not have any dispositive  
3 information, but he thought that possibly Chief MaryEllen Sheppard had commented  
4 about some issues relating to correctional health services, in which Clifton may have  
5 had some critical role. He did not know whether there were any lawsuits at that time.  
6

7 Young agreed that this was a situation where an employee, who appeared to have been  
8 untruthful, was allowed to continue to work for MCSO for an extended period of time  
9 before the investigation commenced. Chief Hendershott never made any comments,  
10 one way or the other, whether he had gotten legal advice not to proceed with the  
11 investigation of Clifton's conduct.  
12

### 13 David Hendershott

14  
15 Hendershott acknowledged that this matter came to his attention, and Clifton was  
16 placed on administrative leave. According to Hendershott, in connection with this set of  
17 circumstances, legal counsel for MCSO had advised under the circumstances that  
18 MCSO should stay the investigation pending other litigation, and then complete the  
19 investigation later.  
20

21 Hendershott does not deny that Paul Ellis may have brought the Peoria Police  
22 Department report to Hendershott's attention. Hendershott acknowledged that he  
23 immediately agreed that there were issues with truthfulness on the part of Clifton, and  
24 that an investigation was in order. When asked if he commissioned an investigation,  
25 Hendershott's response, again, as follows.  
26

27 A: Yeah. Oh, yeah. Absolutely. Right away. And, that was moving forward  
28 and at some point, I don't know whether it was a week, I don't know if two  
29 weeks, I don't know if three weeks, but at some point counsel was advised and  
30 counsel was representing us in on-going litigation and counsel, and I did talk with  
31 the Sheriff about this as well. Counsel thought it would be pretty important just to  
32 hold that investigation until the litigation was over. And as to the reason why that  
33 counsel felt that it was important, I'd rather not say based on attorney-client  
34 privilege for the Sheriff's Office. Because it had to do with the on-going  
35 litigation. (p. 59, Exhibit II16f)  
36

37 Hendershott did not know whether the litigation, to which he was referring, was still  
38 pending as of the time of the interview. He also did not know the status of the  
39 investigation. When asked about the nature of litigation, Hendershott's comments were  
40 as follows.  
41

42 A: It seems to me that it was a litigation involving Clifton's area and that he  
43 worked in which was the area that he worked with MaryEllen Sheppard.  
44

1 A: I want to say it was something with medical. A medical issue. Possibly  
2 with an inmate. I don't remember the exact litigation.... (p. 60, Exhibit II16f)  
3

4 He denied that it had anything to do with the abuse of power issues, or other  
5 investigations underway in the last several years involving the FBI or the Department of  
6 Justice. His understanding was that it had to do with a smaller lawsuit involving an  
7 individual detainee. As he put, "the lawyer that represented us thought it would be  
8 better if we could just wait until that was concluded." (p. 60, Exhibit II16f) When asked if  
9 he understood that Clifton was a material witness to the issues in the litigation,  
10 Hendershott's response was, "Yes, that's correct." (p. 60, Exhibit II16f) Hendershott's  
11 further comments were as follows.  
12

13 A: I think he sat at home while all of this was going on and it's something we  
14 didn't want to do, but it was something that our lawyer thought was important....  
15 (p. 61, Exhibit II16f)  
16

17 Hendershott recalled that the issue (in Peoria) involved Clifton having allegedly thrown  
18 rocks at a car of his ex-wife, and that there was a truthfulness issue.  
19

20 Hendershott indicated that the Chief Deputy is provided with a weekly list of the persons  
21 who were out on administrative leave.  
22

23 When asked who the attorney was who was recommending that Clifton not undergo an  
24 Internal Affairs investigation, pending resolution of litigation Hendershott identified the  
25 lawyer as Dennis Wilenchik, but he did not recall the name of the inmate who was  
26 involved in the litigation.  
27

28 Hendershott was asked, in light of the truthfulness policy of the Maricopa County  
29 Sheriff's Office, whether it was appropriate to have an employee, who possibly could not  
30 be trusted, remain on the job, because of issues relating to litigation, and specifically,  
31 Hendershott's claim that Dennis Wilenchik had recommended that the internal  
32 investigation on Clifton not be conducted. Hendershott's response was as follows.  
33

34 A: Good question, and my point is, is that employee wasn't out there. He  
35 was sitting at home so in other words, and these are cases boy you really like to  
36 get these things done quickly but this a case where counsel gives you advice and  
37 your kind of between a rock and a hard place and you say okay and then the guys  
38 sitting at home and then whatever counsel or good example is Phoenix Police  
39 Department was doing an internal on one of our, I mean excuse me, a criminal on  
40 one of our people and we needed to wait until they were done with that we had no  
41 control over how quickly the criminal was done. But I agree with you, but this  
42 employee wasn't out there. (p. 2, Exhibit II16g)  
43

44 Subsequent to the interview of Chief Hendershott, the PCSO team requested copies of  
45 any documentation reflecting any occasions that Steven Clifton was placed on

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox  
Report of Administrative Investigation by PCSO  
April 11, 2011

- 1 administrative leave. MCSO provided Exhibit DD14, a 5/5/10 letter from Gerard A.
- 2 Sheridan to Captain Steven Clifton placing him on administrative leave. MCSO reports
- 3 that this is the first and only time that Clifton was placed on administrative leave.
- 4